

—simple, and unostentatious in all his habits—firm and undeviating in the cause of right, he presented to the youth of his acquaintance, a pure model of an American gentleman—in fact, he was the realization of the idea of the poet:

“An honest man is the noblest work of God.”

*Be it therefore resolved:*

1st. That this House deeply regret the death of Julian S. Devereaux, lately a member from the county of Rusk.

2nd. That the usual badge of mourning be worn by the members of this House in token of our sincere regret for the death of the deceased, for the space of 30 days.

3rd. That a copy of these resolutions, signed by the Speaker, be forwarded to the family of the deceased, resident in Rusk.

Adopted, July 12th, 1856.

*Resolved,* That the House of Representatives have learned with sincere regret of the death of the Honorable J. C. Guy, late a member from the counties of Cass and Titus, and of the Honorable Richard Hines, late member from the county of Titus, which have occurred since our adjournment in February last.

*Resolved,* That as a mark of Respect for the memory of our said deceased colleagues, the members of this House will wear the usual badge of mourning for thirty days, and that the Speaker be requested to transmit a copy of these resolutions to the families of the deceased.

Adopted, July 12th, 1856.

On motion of Mr. Hord, the Senate adjourned till Monday at 8 o'clock.

MONDAY, July 14th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the chaplain—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Potter presented the petitions of Oscar Farish, and John G. Todd—referred to the Committee on Public Debt.

Also, the petition of the officers and men of the Navy of the late Republic—referred to the Committee on Public Lands.

Mr. Maverick presented the petition of Casimira Garcia—referred to the Committee on Private Land Claims No. 1.

A message was received from the House, informing the



Senate that the House had passed the following bills, originating in the Senate :

A bill to change the time of holding Courts in the 10th and 14th Judicial Districts.

A bill supplementary to an act of Feb. 28th, 1840, concerning wills, and authorizing persons to dispose of their estates by will.

A bill to incorporate the Galveston Island University.

Also, a bill to amend the 4th section of an act regulating attachments—with amendments.

Mr. Potter, chairman of the Committee on the Judiciary, made the following report :

The Judiciary Committee have considered the petition of the County Court of Houston county, which states that the *mark and brand record book* of said county is much worn, and in such a condition that it is with difficulty that it can be understood, and prays for the passage of a law authorizing the County Clerk of said county to transcribe and properly arrange said book, and index the same. The Committee believe that the legislation asked for is proper and necessary, and such as has been frequently granted to other counties, for the preservation of County Court records. They, therefore, direct me to report a bill, which is herewith presented, to authorize the Clerk of the County Court of Houston county, to transcribe the mark and brand book of said Houston county, and index the same,—and recommend its passage.

"A bill to authorize the County Clerk of Houston county to transcribe the mark and brand book of said Houston county, and index the same,"—read 1st time.

Mr. Superviele, chairman of the Committee on Counties and County Boundaries, submitted the following report :

The Committee on Counties and County Boundaries, to which was referred a joint resolution to validate the election of the Corporate Officers of the town of Castroville, for the year A. D. 1853, have had the same under due consideration, and beg leave to report, that the object of said joint resolution being the validation of an election illegal at the time it was held, and the officers elected thereat having been since superseded by others, the operation of said joint resolution would be retroactive, and might conflict with the rights of third persons already acquired, that consequently the same could not be enforced in the Courts of Justice to the prejudice of those



acquired rights, and would, for all practical purposes, be inoperative.

Wherefore your Committee have instructed me to return back the said joint resolution and to recommend that the same be indefinitely postponed.

Mr. Russell, from the Committee on Private Land Claims No. 2, made the following report :

The Committee on Private Land Claims No. 2, have carefully considered the bill and petition for the relief of Mary Williams, and find that said petitioner lost about six hundred dollars worth of property. The bill proposes to donate twelve hundred and eighty acres of land, and a pension of one hundred dollars for five consecutive years, which is, in the opinion of the Committee, greater compensation than the memorialist is entitled to. The Committee are also of opinion that if the State barely remunerates her citizens for property destroyed in such cases, it is all she ought to be asked to do. I am therefore unanimously instructed by the Committee to report the bill back with the following amendments, and recommend its passage.

In 7th line, 1st section, strike out the word "five" and insert "three."

In 2d section, strike out "640" wherever it occurs, and insert "320."

Mr. Whitaker, chairman of the Committee on Private Land Claims No. 2, to which was referred a bill for the relief of Wm. DeWoody, reported the same back, recommending its passage.

Mr. Hord, chairman of the Committee on State Affairs, to which was referred the petition of James H. Battle, reported a bill for his relief, recommending its passage.

A bill to allow James H. Battle, a minor, to take possession and control of his estate, as though he were of full age—read 1st time.

Mr. Allen, chairman of the Committee on Enrolled Bills, reported correctly enrolled, properly signed, and presented to the Governor :

An Act to incorporate the town of Moscow, and define the powers of said corporation.

Mr. Guinn, chairman of the Committee on Engrossed Bills, reported the following bills correctly engrossed :

A bill entitled an act to incorporate the Guadalupe Bridge Company.



A bill to require the Comptroller to perform all the duties required of the Auditor, from and after the 1st day of January, 1856.

Mr. Whitaker introduced a bill for the relief of Jas. S. Cadenhead—read 1st and 2d times, and referred to the Committee on Private Land Claims No. 2.

Mr. Weatherford introduced a bill to legalize the acts of David P. Fearris, Notary Public, of Ellis county—read 1st and 2d times, and referred to the Committee on the Judiciary.

Mr. Scarborough introduced a bill defining the time for holding Courts in the 12th Judicial District—read 1st and 2d times, and referred to the Committee on the Judiciary.

Mr. Bryan introduced a bill supplemental to an act entitled An Act to incorporate the Colorado Railroad Company—read 1st and 2d times, and referred to the Committee on Internal Improvements.

Mr. Flanagan introduced a bill to prevent the using and passing bank paper as money—read 1st and 2d times and referred to the Committee on Judiciary.

On motion of Mr. Taylor of Cass, Messrs. Witaker, Truit, and Flanagan were added to the Committee on Counties and County Boundaries.

On motion of Mr. Weatherford, Mr. Wren was added to the Committee on Public Lands.

#### ORDERS OF THE DAY.

A bill to amend the fourth section of an act regulating attachments, approved March 11, 1848, with amendments from the house—taken up and the amendments concurred in.

On motion of Mr. Palmer, a bill for the relief of the creditors and colonists of the German Emigration Company, and to indemnify said company for lands given by the State to the colonists, was taken from the table, and made the special order for Friday, the 18th inst.

Joint resolution proposing an amendment to the Constitution—read 3d time.

Mr. Scott moved to amend the resolution by striking out "1860" and inserting "1859,"—lost.

The joint resolution was then rejected by the following vote—two-thirds not voting for it.

YEAS—Messrs. Bryan, Caldwell, Flanagan, Grimes, Guinn, Lott, McDade, Palmer, Pirkey, Potter, Scott, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, and Whitaker—16.



NAYE—Messrs. Armstrong, Hord, McCulloch, Maverick, Millican, Russel, Scarborough, Superviele, Weatherford and Wren—10.

The motion to reconsider the vote rejecting "a bill authorizing the use of the Spanish language before Justices' Courts, in certain cases, and in the counties West of the Guadalupe River," made the special order for to-day, carried, and the vote reconsidered, and the bill passed.

A bill relinquishing to the counties the State tax for the years 1856 and '57, with the veto message of the Governor, on motion of Mr. Bryan, made the special order of the day for Monday, the 21st inst., at 11 o'clock.

A bill for the relief of the heirs of Benjamin Burke,—read, and on motion of Mr. Guinn, laid on the table.

A bill for the relief of Fragan de la Garza—read 2d time, and ordered to be engrossed.

A bill for the relief of James P. Nash—read 2d time, and ordered to be engrossed.

A bill requiring the Comptroller to issue his warrant on the Treasurer for certain lost certificates, with the report of the Committee on the Public Debt, offering as a substitute therefor, "a bill for the relief of F. R. Lubbock," was read, the substitute adopted, and bill ordered to be engrossed.

On motion of Mr. Palmer, the rule was suspended, bill read 3d time, and passed.

Report of the Committee on Education, on a bill creating a fund for the erection and support of a University—read, and on motion of Mr. Bryan, made the order of the day for Tuesday, the 22d inst.

Report of the Committee on the Judiciary, on the petition of the citizens of Johnson county—read, and on motion of Mr. Potter, laid on the table.

A bill for the relief of the heirs of Sam. Penrod, deceased,—read 2d time, and ordered to be engrossed.

A message was received from the House, informing the Senate of the passage of the following House bills:

A bill for the relief of the heirs of Geo. W. Jewell, deceased.

A bill making an appropriation for the per diem pay and mileage of the members, and the per diem pay of the officers of the adjourned session of the Sixth Legislature. And

A bill supplemental to an act entitled An Act to fix the salaries of the Judges of the Supreme and District Courts.

The report of the Committee on Public Debt, on the peti-



tion of Jeremiah Strode, reporting it inexpedient to grant the prayer of the petitioner, was read and adopted.

A bill to incorporate the town of Boston, in the county of Bowie—read 2d time, and ordered to be engrossed.

A bill to provide additional compensation for Clerks of District Courts, together with the report of the Judiciary Committee, offering a substitute therefor—read, and the substitute adopted.

Mr. Grimes moved to amend by striking out "Treasurer of the State," and inserting "Treasurer of the county,"—lost, by the following vote :

YEAS—Messrs. Bryan, Caldwell, Grimes, Guinn, Palmer, Potter, Russell, Scarborough, Superviele, Weatherford, and Whitaker—11.

NAYS—Messrs. Armstrong, Burroughs, Flanagan, Hord, Lott, McCulloch, McDade, Maverick, Millican, Pirkey, Scott, Taylor of Cass, Taylor of Houston, and Truit—14.

Mr. Palmer moved to amend by striking out "Clerk," whenever it occurs in the bill—lost.

Mr. Scott offered the following amendment :

Provided that said allowance shall not exceed the fees allowed by law in such cases,—adopted.

The bill was then ordered to be engrossed.

A bill requiring the County Courts to furnish the Sheriffs and Surveyors with offices—read 2d time, and ordered to be engrossed.

A bill supplementary to an act to create County Courts, passed March 16th, 1848—read.

Mr. Palmer offered the following amendment :

"Unless left in the hands of other trustees, by the party making the donation or bequest."

Adopted, and the bill ordered to be engrossed.

Report of the Committee on Private Land Claims No. 2, on the petition of H. Bremmitt, reporting unfavorably, was read.

On motion of Mr. Guinn, the petition was indefinitely postponed.

A bill to prevent fraudulent elections, together with the majority and minority reports of the Committee on the Judiciary, was read, and on motion of Mr. Flanagan, laid on the table.

A bill for the relief of Milly Berry—read 2d time, and ordered to be engrossed.



A bill for the relief of the heirs of Vicente Soto—read 2d time, and ordered to be engrossed.

A bill for the relief of Allen Hines—read 2d time, and ordered to be engrossed.

A bill authorizing the issuing of duplicates of certain stock certificates therein described—read 2d time, and referred to the Committee on Public Debt, on motion of Mr. Whitaker.

A bill for the relief of the heirs of Wm. Coltrin—read 2d time, and ordered to be engrossed.

On motion of Mr. Russell, a bill for the relief of Henry Stout, together with the report of the Committee on the Public Debt, offering a substitute therefor, was taken up, read, substitute adopted, and bill ordered to be engrossed.

On motion of Mr. Russell, the rule was suspended, and bill read 3d time.

Mr. Bryan moved re-committment of the bill to the Committee on the Public Debt—lost.

Mr. Taylor of Cass, offered the following amendment:

Provided that he shall first file with the Treasurer, a full and final release against the State of Texas,—adopted.

The bill was then passed by the following vote:

YEAS—Messrs. Armstrong, Bryan, Flanagan, Lott, McCulloch, Maverick, Palmer, Pirkey, Potter, Russell, Scarborough, Superviele, Truit, Weatherford, and Wren—15.

NAYS—Messrs. Allen, Caldwell, Grimes, Guinn, Millican, Scott, Taylor of Cass, Taylor of Fannin, Taylor of Houston, and Whitaker—10.

A message was received from the House, informing the Senate that the House had passed the following bills, originating in the House:

A bill amending an act to change the Sixth and Ninth Judicial Districts of the State of Texas, and define the time of holding Courts therein.

A bill to incorporate the town of Anderson.

And a bill for the relief of the heirs of F. J. Bellows, deceased.

On motion of Mr. Caldwell, the Senate adjourned till 8 o'clock, A. M., to-morrow.